

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Todd Jeffrey Kadel,

Plaintiff,

v.

Thomas Roy,

Defendant.

Case No. 13-cv-346 ADM/FLN

ORDER

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated December 11, 2014, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

- 1) Petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (ECF No. 1) is **DENIED**;
- 2) This matter is **DISMISSED WITH PREJUDICE**.

It is further ordered, pursuant to 28 U.S.C. § 2253(c), that a Certificate of Appealability not be issued because Petitioner has failed to make a substantial showing of the denial of any constitutional right.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: January 6, 2015

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
United States District Court Judge